

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABEL LAZCANO, *et al.*,

Plaintiffs,

v.

LOREN K. MILLER, *et al.*,

Defendants.

No. 2:22-cv-1776RSL

STIPULATED MOTION TO HOLD
CASE IN ABEYANCE AND
ORDER

Plaintiffs brought this litigation pursuant to the Administrative Procedure Act seeking, *inter alia*, to compel the U.S. Citizenship and Immigration Services (“USCIS”) to complete the processing of Plaintiffs’ Form I-601A, Application for Provisional Unlawful Presence Waiver, and thereafter for the State Department to schedule a DS-260 immigrant visa interview at the U.S. Consulate in Ciudad Juarez, Mexico. Defendants have not yet responded to the complaint. For good cause, the parties request that the case be held in abeyance until April 28, 2023.

Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for

counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R. Civ. P. 1.

USCIS issued a Request for Evidence (“RFE”) on January 11, 2023. Plaintiffs responded to the RFE earlier this month. Prior to adjudication, USCIS must review and consider the RFE response. The State Department cannot schedule an interview until the I-601A has been adjudicated. As additional time is necessary for this to occur, the parties request that the Court hold the case in abeyance until April 28, 2023. The parties will submit a joint status report on or before April 28, 2023.

Dated: February 23, 2023

Respectfully submitted,

NICHOLAS W. BROWN
United States Attorney

s/Michelle R. Lambert
MICHELLE R. LAMBERT, NYS #4666657
Assistant United States Attorney
United States Attorney’s Office
1201 Pacific Avenue, Suite 700
Tacoma, Washington 98402
Phone: 206-428-3824
Email: michelle.lambert@usdoj.gov
Attorneys for Defendants

s/Clayton Cook-Mowery
CLAYTON COOK-MOWERY
WSBA#41110
Quiroga Law Office, PLLC
505 N. Argonne Road, Suite B109
Spokane Valley, Washington 99212
Phone: 509-927-3840
Email: clay@quirogawoffice.com
Attorneys for Plaintiffs

ORDER

The case is held in abeyance until April 28, 2023. The parties shall submit a joint status report on or before April 28, 2023. It is so **ORDERED**.

DATED this 28th day of February, 2023.

A handwritten signature in black ink, appearing to read "Mr S Lasnik", written over a horizontal line.

Robert S. Lasnik
United States District Judge